

COMMON COUNCIL MEETING MINUTES

MONDAY, AUGUST 20, 2012 – 6:00 P.M.
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

MEMBERS PRESENT:

Mayor James Brainard, Council President Richard L. Sharp, Council Members Carol Schleif, W. Eric Seidensticker, Sue Finkam, Luci Snyder, Ronald E. Carter, Kevin D. Rider, Clerk-Treasurer Diana L. Cordray and Deputy Clerk Treasurer Lois Fine.

Mayor Brainard called the meeting to order at 6:02 p.m.

Councilor Seidensticker pronounced the Invocation.

Mayor Brainard led the Pledge of Allegiance.

RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:

There were none.

APPROVAL OF MINUTES:

Councilor Seidensticker made a motion to approve minutes from the August 6, 2012 Regular Meeting. Councilor Schleif seconded. There was no Council discussion. Council President Sharp called for the vote. Minutes were approved 7-0.

RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:

*Matt Modleski (representing SGM, Inc.), Dwight Lile (representing the Constitutional Patriots)
Bob Wallace, all addressed the Council with concerns regarding Ordinance D-2100-12 (Carmel
Redevelopment Commission Refinancing).*

COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:

Councilor Snyder addressed the Council regarding the Hamilton County Humane Society.

Councilor Carter and Mayor Brainard informed the Council and citizens that the City of Carmel was rated the #1 City to live in by CNN Money Magazine.

Councilor Sharp addressed Mr. Modleski and Mr. Lile.

ACTION ON MAYORAL VETOES:

There were none.

CLAIMS:

Councilor Snyder made a motion to approve claims in the amount of \$2,376,375.41. Councilor Seidensticker seconded. There was no Council discussion. Council President Sharp called for the vote. Claims were approved 7-0.

Detail of Wire Transfers for July 2012. Councilor Snyder made a motion to acknowledge wire transfers in the amount of \$2,257,138.06. Councilor Schleif seconded. There was no Council discussion. Council President Sharp called for the vote. Wire transfers were acknowledged 7-0.

COMMITTEE REPORTS:

Councilor Snyder reported that the Finance, Administration and Rules Committee had met and discussed Ordinance D-2100-12 which remains in committee. Councilor Snyder referred to Tom Perkins, Attorney, Frost Brown Todd LLC, to address the Council.

Councilor Seidensticker reported that the Land Use, Annexation and Economic Development Committee had met and discussed Ordinance D-2097-12 and Z-558-12. The committee report will be given when the item appears on the agenda.

Councilor Carter reported that the Parks, Recreation and Arts Committee had not met.

Councilor Rider reported that the Utilities, Transportation and Public Safety Committee had not met.

Council President Sharp and Clerk-Treasurer Diana L. Cordray addressed the Council.

OLD BUSINESS

Council President Sharp announced the **Sixth Reading of Ordinance D-2092-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving and Adopting an Interlocal Agreement (*Between the City of Carmel and the Indiana Department of Transportation Pertaining to a Landscape Maintenance Agreement*); Sponsor: Councilor Rider. Remains in the Utilities, Transportation and Public Safety Committee. Councilor Rider addressed the Council. Mayor Brainard addressed the Council.

Council President Sharp announced the **Sixth Reading of Ordinance D-2095-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-48 (*Deferred Compensation Plan*) of the Carmel City Code; Sponsors: Councilors Rider, Sharp, Snyder, Carter, Schleif and Finkam. Remains in the Finance, Administration and Rules Committee. Councilor Snyder addressed the Council.

Council President Sharp announced the **Third Reading of Ordinance D-2097-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing and Amendment to Commitments Concerning the Use and Development of Real Estate (*Fortune Property; Pulte Homes*). Councilor

Seidensticker presented the Land Use, Annexation and Economic Development Committee report to the Council. This item was referred back to the Council with a favorable recommendation with proposed amendments. Councilor Seidensticker referred to Steve Hardin, Attorney, Faegre Baker Daniels, representing the petitioner, to present proposed Ordinance D-2097-12 As Amended, VERSION A

08.20.12 to the Council for discussion. Councilor Seidensticker made a motion to amend Ordinance D-2097-12 to include the additional commitments offered by the petitioner and substitute VERSION A 08.20.12. Councilor Schleif seconded. There was no Council discussion. Council President Sharp called for the vote. The motion to amend Ordinance D-2097-12 was approved 7-0. Councilor Seidensticker made a motion to approve Ordinance D-2097-12 As Amended. Councilor Finkam seconded. There was no Council discussion. Council President Sharp called for the vote. **Ordinance D-2097-12 As Amended**, VERSION A 08.20.12 was adopted 7-0.

Council President Sharp announced the **Fourth Reading of Ordinance D-2098-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving the Appropriation of Monies from the City of Carmel, Indiana, General Fund for use in the Support The Arts Fund (\$1,358,000); Sponsor: Councilor Sharp. Remains in the Finance, Administration and Rules Committee. Council President Sharp addressed the Council.

Council President Sharp announced the **Second Reading of Ordinance D-2100-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Approving a Lease Between the City of Carmel Redevelopment Authority and the City of Carmel Redevelopment Commission and Taking Other Actions Related Thereto (\$195,000,000); Sponsors: Councilors Sharp and Snyder. Sent to the Finance, Administration and Rules Committee. This item was not discussed.

Council President Sharp announced the **Fifth Reading of Ordinance Z-558-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Updating a Variety of Provisions of the Carmel Zoning Ordinance (Patch IX). Councilor Seidensticker presented the Land Use, Annexation and Economic Development Committee report to the Council. This item was referred back to the Council with a favorable recommendation with proposed amendments. Councilor Seidensticker referred to Adrienne Keeling, Department of Community Services, to present proposed Ordinance Z-558-12 As Amended, VERSION A 08/20/12 to the Council for discussion. There was brief Council discussion. Councilor Seidensticker made a motion to amend Ordinance Z-558-12. Councilor Schleif seconded. There was brief Council discussion. Councilor Seidensticker and Councilor Schleif rescinded their motions to amend and second. Mayor Brainard addressed the Council. Clerk Treasurer Diana L. Cordray addressed the Council. Councilor Seidensticker made a motion to amend Ordinance Z-558-12. Councilor Schleif seconded. There was brief Council discussion. Councilor Schleif made a motion to amend the amendment; Chapter 6, page 7, line 5, strike 2.4 acres and insert 2.0 acres. Councilor Seidensticker seconded. There was brief Council discussion. Council President Sharp called for the vote. The motion to amend the amendment failed 3-4 (Councilors Finkam, Snyder, Carter and Rider opposed). Councilor Seidensticker made a motion to amend Ordinance Z-558-12, As Amended, VERSION A 08/20/12. Councilor Rider seconded. There was no Council discussion. Council President Sharp called for the vote. The motion to amend Ordinance Z-558-12, VERSION A 08/20/12 was approved 7-0. Councilor Carter made a motion to amend Ordinance Z-558-12 As Amended, page 18, line 20 to add; *All commitments must be in writing, in recordable form and made available to all Commissioners prior to a final vote.* Councilor Finkam seconded. There was brief Council discussion. Council President Sharp called for the vote. The motion to amend Ordinance Z-558-12 As Amended, VERSION B 08/20/12 was approved 7-0. There was no Council discussion. Council President Sharp called for the vote. **Ordinance Z-558-12 As Amended**, VERSION B 08/20/12 was adopted 7-0.

Council President Sharp announced the **Second Reading of Ordinance Z-559-12**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing the Highpoint On Meridian Planned Unit Development District (*Southwest of the Intersection of Illinois Street and 136th Street*); Sponsors:

Councilors Rider, Sharp and Snyder. Sent to the Land Use, Annexation and Economic Development Committee. This item was not discussed.

Council President Sharp announced **Resolution CC-07-16-12-02**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving Redevelopment Commission Obligations Secured or Guaranteed by Public Funds (*Stairway from City Center Drive to the Monon Trail, and City Center Monon Court Stairway*); Sponsor: Councilor Carter. Without objection from the Council, Councilor Carter withdrew this Resolution from the agenda.

PUBLIC HEARINGS

There were none.

NEW BUSINESS

Council President Sharp announced **Resolution CC-08-20-12-01**; A Resolution of the Common Council of the City of Carmel, Indiana, Establishing a Moratorium on the Presentation of Planned Unit Development Ordinances. Councilor Seidensticker made a motion to move this item into business. Councilor Snyder seconded. Councilor Seidensticker presented this item to the Council and made a motion to amend this item by inserting on line 32; after Resolution; *other than as provided for by state statute*. Councilor Snyder seconded. There was no Council discussion. Council President Sharp called for the vote. The motion was approved 7-0. Councilor Seidensticker made a motion to approve Resolution CC-08-20-12-01 As Amended. Councilor Schleif seconded. There was brief Council discussion. Council President Sharp passed the gavel to Councilor Snyder to address the Council. There was additional Council discussion. Mayor Brainard addressed the Council. Councilor Snyder called for the vote. **Resolution CC-08-20-12-01 As Amended** was adopted 4-3 (Councilors Finkam, Carter and Rider opposed).

Council President Sharp reclaimed the gavel from Councilor Snyder.

OTHER BUSINESS

There was none.

ANNOUNCEMENTS

Councilor Snyder reminded the Council and citizens that “Dog Day Afternoon” sponsored by the Hamilton County Humane Society, would be held on Saturday, August 25th at the Village Green from 3:00 p.m. until 8:00 p.m.

EXECUTION OF DOCUMENT

ADJOURNMENT

Mayor Brainard adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer